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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

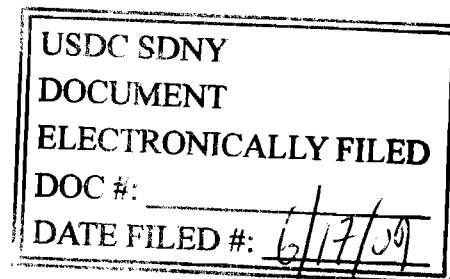
MEMORANDUM

TO: HONORABLE LEWIS A. KAPLAN
U.S. DISTRICT JUDGE

FROM: DAN J. VOICE
U.S. PROBATION OFFICER

RE: DAVID SANTANA
08 CR 1112(LAK)

DATE: JULY 9, 2009



Reference is made to the above-captioned defendant who pleaded guilty to Possession of Child Pornography, in violation of 18 U.S.C. §2252A(a)(5)(B) and (b)(2), on April 8, 2009. Sentencing for this matter is presently scheduled for July 20, 2009.

Because this offense involved sexual deviancy, we are requesting that the defendant undergo a psychosexual evaluation. The use of psychosexual evaluations to determine the treatment needs of defendants convicted of sex offenses and risk assessment to the community is consistent with the Probation Department's historical reliance on the expertise of mental health professionals. In relation, we believe that a psychosexual evaluation would prove beneficial to Your Honor in fashioning an appropriate sentence.

Accordingly, we are respectfully requesting that Your Honor order that a psychosexual evaluation be performed by Kenneth J. Lau, LCSW. This evaluation is authorized pursuant to 18 U.S.C. §3552(c) and payment for it is provided under 18 U.S.C. §3672.

If Your Honor grants permission for the evaluation, we would also request a six-week adjournment of sentencing in order to allow for the evaluation to be completed and still comply with the disclosure requirements of Rule 32. The government and defense counsel have been advised that we are requesting a psychosexual evaluation and adjournment, and neither party has an objection to these requests.

It is requested that Your Honor indicate the Court's decision as provided on the following page.

Would Your Honor please indicate the course of action to be taken.

Psychosexual evaluation ordered ✓ no polygraph

Psychosexual evaluation not ordered _____

Other _____

Adjournment granted ✓ New date and time September 16, 2009, 4:00pm

Adjournment not granted _____

Other _____

6/16/09
Date

[Signature]
Honorable Lewis A. Kaplan
U.S. District Judge

cc: Glenn A. Kopp
U.S. Attorney's Office

Peggy Cross, Esq.
Federal Defenders of New York, Inc.
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